

Senate File 2365

S-5100

1 Amend Senate File 2365 as follows:

2 1. By striking page 1, line 1, through page 17,  
3 line 34, and inserting:

4 <Section 1. Section 162.1, Code 2009, is amended to  
5 read as follows:

6 **162.1 Policy Purpose and scope.**

7 1. The purpose of this chapter is to accomplish all  
8 of the following:

9 ~~1. a. To insure~~ Insure that all dogs and  
10 cats handled by ~~boarding kennels, commercial~~  
11 ~~kennels, commercial breeders, dealers, and public~~  
12 ~~auctions commercial establishments~~ are provided with  
13 humane care and treatment ~~by regulating.~~

14 b. Regulate the transportation, sale,  
15 purchase, housing, care, handling, and treatment  
16 of such animals dogs and cats by persons or  
17 organizations engaged in transporting, buying, or  
18 selling them and to provide.

19 c. Provide that all vertebrate animals consigned  
20 to pet shops are provided humane care and treatment by  
21 regulating the transportation, sale, purchase, housing,  
22 care, handling, and treatment of such animals by pet  
23 shops.

24 ~~2. d. To authorize~~ Authorize the sale, trade, or  
25 adoption of only those animals which appear to be free  
26 of infectious or communicable disease.

27 ~~3. e. To protect~~ Protect the public from zoonotic  
28 disease.

29 2. This chapter does not apply to livestock as  
30 defined in section 717.1 or any other agricultural  
31 animal used in agricultural production as provided in  
32 chapter 717A.

33 Sec. 2. Section 162.2, Code Supplement 2009, is  
34 amended by adding the following new subsections:

35 NEW SUBSECTION. 4A. "Animal Welfare Act" means  
36 the federal Animal Welfare Act, 7 U.S.C. ch. 54, and  
37 regulations promulgated by the United States department  
38 of agriculture and published in 9 C.F.R. ch. 1.

39 NEW SUBSECTION. 4B. "Authorization" means a  
40 state license, certificate of registration, or permit  
41 issued or renewed by the department to a commercial  
42 establishment as provided in section 162.2A.

43 NEW SUBSECTION. 6A. "Commercial establishment"  
44 or "establishment" means an animal shelter, boarding  
45 kennel, commercial breeder, commercial kennel, dealer,  
46 pet shop, pound, public auction, or research facility.

47 NEW SUBSECTION. 8A. "Department" means the  
48 department of agriculture and land stewardship.

49 NEW SUBSECTION. 9A. "Federal license" means a  
50 license issued by the United States department of

1 agriculture to a person classified as a dealer or  
2 exhibitor pursuant to the federal Animal Welfare Act.

3 NEW SUBSECTION. 9B. "*Federal licensee*" means  
4 a person to whom a federal license as a dealer or  
5 exhibitor is issued.

6 NEW SUBSECTION. 10A. "*Permittee*" means a  
7 commercial breeder, dealer, or public auction to whom  
8 a permit is issued by the department as a federal  
9 licensee pursuant to section 162.2A.

10 NEW SUBSECTION. 15A. "*Registrant*" means a pound,  
11 animal shelter, or research facility to whom a  
12 certificate of registration is issued by the department  
13 pursuant to section 162.2A.

14 NEW SUBSECTION. 16A. "*State fiscal year*" means the  
15 fiscal year described in section 3.12.

16 NEW SUBSECTION. 16B. "*State licensee*" means any of  
17 the following:

18 a. A boarding kennel, commercial kennel, or  
19 pet shop to whom a state license is issued by the  
20 department pursuant to section 162.2A.

21 b. A commercial breeder, dealer, or public auction  
22 to whom a state license is issued in lieu of a permit  
23 by the department pursuant to section 162.2A.

24 Sec. 3. Section 162.2, subsections 6 and 13, Code  
25 Supplement 2009, are amended to read as follows:

26 6. "*Commercial breeder*" means a person, engaged  
27 in the business of breeding dogs or cats, who sells,  
28 exchanges, or leases dogs or cats in return for  
29 consideration, or who offers to do so, whether or  
30 not the animals are raised, trained, groomed, or  
31 boarded by the person. A person who owns or harbors  
32 three or fewer breeding males or females is not a  
33 commercial breeder. However, a person who breeds or  
34 ~~harbors more than three~~ any number of breeding male or  
35 female greyhounds for the purposes of using them for  
36 pari-mutuel racing wagering at a racetrack as provided  
37 in chapter 99D shall be considered a commercial breeder  
38 irrespective of whether the person sells, leases, or  
39 exchanges the greyhounds for consideration or offers  
40 to do so.

41 13. "*Pound*" or "~~dog pound~~" means a facility for the  
42 prevention of cruelty to animals operated by the state,  
43 a municipal corporation, or other political subdivision  
44 of the state for the purpose of impounding or harboring  
45 seized stray, homeless, abandoned or unwanted dogs,  
46 cats or other animals; or a facility operated for  
47 such a purpose under a contract with any municipal  
48 corporation or incorporated society.

49 Sec. 4. NEW SECTION. 162.2A Application, issuance,  
50 and renewal of authorizations.

1 1. The department shall provide for the operation  
2 of a commercial establishment by issuing or renewing an  
3 authorization, including any of the following:

4 a. A certificate of registration for a pound,  
5 animal, shelter, or research facility.

6 b. A state license for a boarding kennel,  
7 commercial kennel, or pet shop.

8 c. A state license or permit for a commercial  
9 breeder, dealer, or public auction. A federal licensee  
10 must apply for and be issued either a permit or a state  
11 license in lieu of a permit.

12 2. A person must be issued a separate state  
13 license, certificate of registration, or permit for  
14 each commercial establishment owned or operated by the  
15 person.

16 3. A person must apply for the issuance or  
17 renewal of an authorization on forms and according to  
18 procedures required by rules adopted by the department.  
19 The application shall contain information required by  
20 the department, including but not limited to all of the  
21 following:

22 a. The person's name.

23 b. The person's principal office or place of  
24 business.

25 c. The name, address, and type of establishment  
26 covered by the authorization.

27 d. The person's identification number.

28 Notwithstanding chapter 22, the department shall keep  
29 the person's tax identification number confidential  
30 except for purposes of tax administration by the  
31 department of revenue, including as provided in section  
32 421.18.

33 4. The authorization expires on an annual basis  
34 as provided by the department, and must be renewed by  
35 the commercial establishment on an annual basis on or  
36 before the authorization's expiration date.

37 5. a. A commercial establishment applying for  
38 the issuance or renewal of a permit shall provide the  
39 department with proof that the person is a federal  
40 licensee.

41 b. The department shall not require that it must  
42 enter onto the premises of a commercial establishment  
43 in order to issue a permit. The department shall  
44 not require that it must enter onto the premises  
45 of a commercial establishment in order to renew a  
46 permit, unless it has reasonable cause to monitor  
47 the commercial establishment as provided in section  
48 162.10C.

49 **Sec. 5. NEW SECTION. 162.2B Fees.**

50 The department shall establish, assess, and collect

1 fees as provided in this section.

2 1. A commercial establishment shall pay  
3 authorization fees to the department for the issuance  
4 or renewal of a certificate of registration, state  
5 license, or permit.

6 a. For the issuance or renewal of a certificate of  
7 registration, seventy-five dollars.

8 b. For the issuance or renewal of a state license  
9 or permit, one hundred seventy-five dollars. However,  
10 a commercial breeder who owns, keeps, breeds, or  
11 transports a greyhound dog for pari-mutuel wagering  
12 at a racetrack as provided in chapter 99D shall pay a  
13 different fee for the issuance or renewal of a state  
14 license as provided in rules adopted by the department.

15 2. The department shall retain all fees that it  
16 collects under this section for the exclusive purpose  
17 of administering and enforcing the provisions of  
18 this chapter. The fees shall be considered repayment  
19 receipts as defined in section 8.2. The general  
20 assembly shall appropriate moneys to the department  
21 each state fiscal year necessary for the administration  
22 and enforcement of this chapter.

23 Sec. 6. Section 162.3, Code 2009, is amended by  
24 striking the section and inserting in lieu thereof the  
25 following:

26 **162.3 Operation of a pound — certificate of**  
27 **registration.**

28 A pound shall only operate pursuant to a certificate  
29 of registration issued or renewed by the department  
30 as provided in section 162.2A. A pound may sell dogs  
31 or cats under its control, if sales are allowed by  
32 the department. The pound shall maintain records as  
33 required by the department in order for the department  
34 to ensure the pound's compliance with the provisions  
35 of this chapter.

36 Sec. 7. Section 162.4, Code 2009, is amended by  
37 striking the section and inserting in lieu thereof the  
38 following:

39 **162.4 Operation of an animal shelter — certificate**  
40 **of registration.**

41 An animal shelter shall only operate pursuant to a  
42 certificate of registration issued or renewed by the  
43 department as provided in section 162.2A. An animal  
44 shelter may sell dogs or cats if sales are allowed  
45 by the department. The animal shelter facility shall  
46 maintain records as required by the department in order  
47 for the department to ensure the animal shelter's  
48 compliance with the provisions of this chapter.

49 Sec. 8. **NEW SECTION. 162.4A Operation of a**  
50 **research facility — certificate of registration.**

1 A research facility shall only operate pursuant to a  
2 certificate of registration issued by the department  
3 as provided in section 162.2A. The research facility  
4 shall maintain records as required by the department  
5 in order for the department to ensure the research  
6 facility's compliance with the provisions of this  
7 chapter. A research facility shall not purchase a dog  
8 or cat from a commercial establishment that does not  
9 have a valid authorization issued or renewed under this  
10 chapter or a similar authorization issued or renewed  
11 by another state.

12 Sec. 9. Section 162.5, Code 2009, is amended by  
13 striking the section and inserting in lieu thereof the  
14 following:

15 **162.5 Operation of a pet shop — state license.**

16 A pet shop shall only operate pursuant to a state  
17 license issued or renewed by the department pursuant to  
18 section 162.2A. The pet shop shall maintain records as  
19 required by the department in order for the department  
20 to ensure the pet shop's compliance with the provisions  
21 of this chapter. A pet shop shall not purchase a dog  
22 or cat from a commercial establishment that does not  
23 have a valid authorization issued or renewed under this  
24 chapter or a similar authorization issued or renewed  
25 by another state.

26 Sec. 10. NEW SECTION. **162.5A Operation of a**  
27 **boarding kennel — state license.**

28 A boarding kennel shall only operate pursuant to  
29 a state license issued by the department as provided  
30 in section 162.2A. The boarding kennel shall maintain  
31 records as required by the department in order for the  
32 department to ensure the boarding kennel's compliance  
33 with the provisions of this chapter. A boarding kennel  
34 shall not purchase a dog or cat from a commercial  
35 establishment that does not have a valid authorization  
36 issued or renewed under this chapter or a similar  
37 authorization issued or renewed by another state.

38 Sec. 11. Section 162.6, Code 2009, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 **162.6 Operation of a commercial kennel — state**  
42 **license.**

43 A commercial kennel shall only operate pursuant to a  
44 state license issued or renewed by the department as  
45 provided in section 162.2A. A commercial kennel shall  
46 maintain records as required by the department in order  
47 for the department to ensure the commercial kennel's  
48 compliance with the provisions of this chapter. A  
49 commercial kennel shall not purchase a dog or cat from  
50 a commercial establishment that does not have a valid

1 authorization issued or renewed under this chapter or  
2 a similar authorization issued or renewed by another  
3 state.

4 Sec. 12. Section 162.7, Code 2009, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 **162.7 Operation of a dealer — state license or**  
8 **permit.**

9 A dealer shall only operate pursuant to a state  
10 license, or a permit, issued or renewed by the  
11 department as provided in section 162.2A. A dealer who  
12 is a state licensee shall maintain records as required  
13 by the department in order for the department to ensure  
14 compliance with the provisions of this chapter. A  
15 dealer who is a permittee may, but is not required to  
16 maintain records. A dealer shall not purchase a dog  
17 or cat from a commercial establishment that does not  
18 have a valid authorization issued or renewed under this  
19 chapter or a similar authorization issued or renewed  
20 by another state.

21 Sec. 13. Section 162.8, Code 2009, is amended by  
22 striking the section and inserting in lieu thereof the  
23 following:

24 **162.8 Operation of a commercial breeder — state**  
25 **license or permit.**

26 A commercial breeder shall only operate pursuant  
27 to a state license, or a permit, issued or renewed  
28 by the department as provided in section 162.2A. A  
29 commercial breeder who is a state licensee shall  
30 maintain records as required by the department in order  
31 for the department to ensure the commercial breeder's  
32 compliance with the provisions of this chapter. A  
33 commercial breeder who is a permittee may but is not  
34 required to maintain records. A commercial breeder  
35 shall not purchase a dog or cat from a commercial  
36 establishment that does not have a valid authorization  
37 issued or renewed under this chapter or a similar  
38 authorization issued or renewed by another state.

39 Sec. 14. **NEW SECTION. 162.9A Operation of a public**  
40 **auction — state license or permit.**

41 A public auction shall only operate pursuant to a  
42 state license, or a permit, issued or renewed by the  
43 department as provided in section 162.2A. A public  
44 auction which is a state licensee shall maintain  
45 records as required by the department in order for the  
46 department to ensure the public auction's compliance  
47 with the provisions of this chapter. A public auction  
48 which is a permittee may but is not required to  
49 maintain records. A public auction shall not purchase  
50 a dog or cat from a commercial establishment that does

1 not have a valid authorization issued or renewed under  
2 this chapter or a similar authorization issued or  
3 renewed by another state.

4 Sec. 15. NEW SECTION. 162.10A Commercial  
5 establishments — standard of care.

6 1. a. A commercial establishment shall provide for  
7 a standard of care that ensures that an animal in its  
8 possession or under its control is not lacking any of  
9 the following:

10 (1) Adequate feed, adequate water, housing  
11 facilities, sanitary control, or grooming practices, if  
12 such lack causes adverse health or suffering.

13 (2) Veterinary care.

14 b. A commercial establishment, other than a  
15 research facility or pet shop, shall provide for the  
16 standard of care for dogs and cats in its possession or  
17 under its control, and a research facility or pet shop  
18 shall provide for the standard of care for vertebrate  
19 animals in its possession or under its control.

20 2. a. Except as provided in paragraph "b" or "c",  
21 a commercial establishment shall comply with rules that  
22 the department adopts to implement subsection 1. A  
23 commercial establishment shall be regulated under this  
24 paragraph "a" unless the person is a state licensee as  
25 provided in paragraph "b" or a permittee as provided in  
26 paragraph "c".

27 b. A state licensee who is a commercial breeder  
28 owning, breeding, transporting, or keeping a greyhound  
29 dog for pari-mutuel wagering at a racetrack as provided  
30 in chapter 99D may be required to comply with different  
31 rules adopted by the department.

32 c. A permittee is not required to comply with rules  
33 that the department adopts to implement a standard of  
34 care as provided in subsection 1 for state licensees  
35 and registrants. The department may adopt rules  
36 regulating a standard of care for a permittee, so long  
37 as the rules are not more restrictive than required for  
38 a permittee under the Animal Welfare Act. However, the  
39 department may adopt prescriptive rules relating to the  
40 standard of care. Regardless of whether the department  
41 adopts such rules, a permittee meets the standard  
42 of care required in subsection 1, if it voluntarily  
43 complies with rules applicable to state licensees or  
44 registrants. A finding by the United States department  
45 of agriculture that a permittee complies with the  
46 Animal Welfare Act is not conclusive when determining  
47 that the permittee provides a standard of care required  
48 in subsection 1.

49 3. A commercial establishment fails to provide for  
50 a standard of care as provided in subsection 1, if the

1 commercial establishment commits abuse as described in  
2 section 717B.2, neglect as described in section 717B.3,  
3 or torture as provided in section 717B.3A.

4 Sec. 16. NEW SECTION. 162.10B Commercial  
5 **establishments — inspecting state licensees and**  
6 **registrants.**

7 The department may inspect the commercial  
8 establishment of a registrant or state licensee  
9 by entering onto its business premises at any time  
10 during normal working hours. The department may  
11 inspect records required to be maintained by the state  
12 licensee or registrant as provided in this chapter.  
13 If the owner or person in charge of the commercial  
14 establishment refuses admittance, the department may  
15 obtain an administrative search warrant issued under  
16 section 808.14.

17 Sec. 17. NEW SECTION. 162.10C Commercial  
18 **establishments — monitoring permittees.**

19 1. The department may monitor the commercial  
20 establishment of a permittee by entering onto its  
21 business premises at any time during normal working  
22 hours. The department shall monitor the commercial  
23 establishment for the limited purpose of determining  
24 whether the permittee is providing for a standard of  
25 care required for permittees under section 162.10A.  
26 If the owner or person in charge of the commercial  
27 establishment refuses admittance, the department may  
28 obtain an administrative search warrant issued under  
29 section 808.14.

30 2. In order to enter onto the business premises  
31 of a permittee's commercial establishment, the  
32 department must have reasonable cause to suspect that  
33 the permittee is not providing for the standard of  
34 care required for permittees under section 162.10A.  
35 Reasonable cause must be supported by any of the  
36 following:

37 a. An oral or written complaint received by the  
38 department by a person. The complainant must provide  
39 the complainant's name and address and telephone  
40 number. Notwithstanding chapter 22, the department's  
41 record of a complaint is confidential, unless any of  
42 the following apply:

43 (1) The results of the monitoring are used in a  
44 contested case proceeding as provided in chapter 17A or  
45 in a judicial proceeding.

46 (2) The record is sought in discovery in any  
47 administrative, civil, or criminal case.

48 (3) The department's record of a complaint is filed  
49 by a person other than an individual.

50 b. A report prepared by a person employed by the

1 United States department of agriculture that requires a  
2 permittee to take action necessary to correct a breach  
3 of standard of care required of federal licensees by  
4 the Animal Welfare Act or of permittees by section  
5 162.10A. The department is not required to dedicate  
6 any number of hours to viewing or analyzing such  
7 reports.

8 3. When carrying out this section, the department  
9 may cooperate with the United States department of  
10 agriculture. The department shall report any findings  
11 resulting in an enforcement action under section  
12 162.10D to the United States department of agriculture.

13 Sec. 18. NEW SECTION. 162.10D Commercial  
14 establishments — disciplinary actions.

15 1. The department may take disciplinary action  
16 against a person by suspending or revoking the person's  
17 authorization for violating a provision of this chapter  
18 or chapter 717B, or who commits an unlawful practice  
19 under section 714.16.

20 2. The department may require that an owner,  
21 operator, or employee of a commercial establishment  
22 subject to disciplinary action under subsection 1 to  
23 complete a continuing education program as a condition  
24 for retaining an authorization. This section does not  
25 prevent a person from voluntarily participating in a  
26 continuing education program.

27 3. The department shall administer the continuing  
28 education program by either providing direct  
29 instruction or selecting persons to provide such  
30 instruction. The department is not required to  
31 compensate persons for providing the instruction, and  
32 may require attendees to pay reasonable fees necessary  
33 to compensate the department providing the instruction  
34 or a person selected by the department to provide the  
35 instruction. The department shall, to every extent  
36 possible, select persons to provide the instruction by  
37 consulting with organizations that represent commercial  
38 establishments, including but not limited to the Iowa  
39 pet breeders association.

40 4. The department shall establish the criteria for  
41 a continuing education program which shall include  
42 at least three and not more than eight hours of  
43 instruction. The department shall provide for the  
44 program's beginning and ending dates. However, a  
45 person must complete the program in twelve months or  
46 less.

47 Sec. 19. Section 162.11, subsections 1 and 3, Code  
48 2009, are amended by striking the subsections.

49 Sec. 20. Section 162.11, subsection 2, Code 2009,  
50 is amended by striking the subsection and inserting in

1 lieu thereof the following:

2 2. This chapter does not apply to a federal  
3 licensee except as provided in the following:

4 a. Section 162.1, subsection 2, and sections 162.2,  
5 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C,  
6 162.10D, 162.12A, and 162.13.

7 b. Section 162.1, subsection 1, but only to the  
8 extent required to implement sections described in  
9 paragraph "a".

10 c. Section 162.16 but only to the extent required  
11 to implement sections described in paragraph "a".

12 Sec. 21. Section 162.12, Code 2009, is amended to  
13 read as follows:

14 **162.12 Denial or revocation of license or**  
15 **registration.**

16 A certificate of registration may be denied to any  
17 animal shelter, pound, or animal shelter research  
18 facility and a state license or certificate of  
19 registration may be denied to any public auction,  
20 boarding kennel, commercial kennel, ~~research~~  
21 ~~facility~~, pet shop, commercial breeder, or dealer,  
22 or an existing certificate of registration or  
23 state license may be revoked by the secretary if, after  
24 public hearing, it is determined that the housing  
25 facilities or primary enclosures are inadequate under  
26 this chapter or if the feeding, watering, cleaning,  
27 and housing practices at the pound, animal shelter,  
28 public auction, pet shop, boarding kennel, commercial  
29 kennel, research facility, or those practices by the  
30 commercial breeder or dealer, are not in compliance  
31 with this chapter or with the rules adopted pursuant  
32 to this chapter. The premises of each registrant or  
33 state licensee or certificate holder shall be open for  
34 inspection during normal business hours.

35 Sec. 22. **NEW SECTION. 162.12A Civil penalties.**

36 The department shall establish, impose, and assess  
37 civil penalties for violations of this chapter. The  
38 department may by rule establish a schedule of civil  
39 penalties for violations of this chapter. All civil  
40 penalties collected under this section shall be  
41 deposited into the general fund of the state.

42 1. a. A commercial establishment that operates  
43 pursuant to an authorization issued or renewed under  
44 this chapter is subject to a civil penalty of not more  
45 than five hundred dollars, regardless of the number  
46 of animals possessed or controlled by the commercial  
47 establishment, for violating this chapter. Except as  
48 provided in paragraph "b", each day that a violation  
49 continues shall be deemed a separate offense.

50 b. This paragraph applies to a commercial

1 establishment that violates a standard of care  
2 involving housing as provided in section 162.10A. The  
3 departmental official who makes a determination that a  
4 violation exists shall provide a corrective plan to the  
5 commercial establishment describing how the violation  
6 will be corrected within a compliance period of not  
7 more than fifteen days from the date of approval by the  
8 official of the corrective plan. The civil penalty  
9 shall not exceed five hundred dollars for the first  
10 day of the violation. After that day, the department  
11 shall not impose a civil penalty for the violation  
12 during the compliance period. The department shall  
13 not impose an additional civil penalty, unless the  
14 commercial establishment fails to correct the violation  
15 by the end of the compliance period. If the commercial  
16 establishment fails to correct the violation by the end  
17 of the compliance period, each day that the violation  
18 continues shall be deemed a separate offense.

19 2. A commercial establishment that does not operate  
20 pursuant to an authorization issued or renewed under  
21 this chapter is subject to a civil penalty of not more  
22 than one thousand dollars, regardless of the number  
23 of animals possessed or controlled by the commercial  
24 establishment, for violating this chapter. Each day  
25 that a violation continues shall be deemed a separate  
26 offense.

27 Sec. 23. Section 162.13, Code 2009, is amended to  
28 read as follows:

29 **162.13 Penalties Criminal penalties — confiscation.**

30 ~~1. Operation of a pound, animal shelter, pet shop,~~  
31 ~~boarding kennel, commercial kennel, research facility,~~  
32 ~~or public auction, or dealing in dogs or cats, or~~  
33 ~~both, either as a dealer or a commercial breeder,~~  
34 ~~without a currently valid license or a certificate of~~  
35 ~~registration is~~ A person who operates a commercial  
36 establishment without an authorization issued or  
37 renewed by the department as required in section 162.2A  
38 is guilty of a simple misdemeanor and each day of  
39 operation is a separate offense.

40 ~~2. The failure of any pound, research facility,~~  
41 ~~animal shelter, pet shop, boarding kennel, commercial~~  
42 ~~kennel, commercial breeder, public auction, or dealer,~~  
43 ~~to adequately house, feed, or water dogs, cats, or~~  
44 ~~vertebrate animals in the person's or facility's~~  
45 ~~possession or custody~~ a person who owns or operates a  
46 commercial establishment to meet the standard of care  
47 required in section 162.10A, subsection 1, is a simple  
48 misdemeanor. The animals are subject to seizure and  
49 impoundment and may be sold or destroyed as provided by  
50 rules which shall be adopted by the department pursuant

1 to chapter 17A. The rules shall provide for the  
2 destruction of an animal by a humane method, including  
3 by euthanasia.

4 3. The failure of a person who owns or operates  
5 a commercial establishment to meet the requirements  
6 of this section is also cause for the suspension  
7 or revocation or suspension of license or registration  
8 after public hearing of the person's authorization as  
9 provided in section 162.10D. The commission of an  
10 act declared to be an unlawful practice under section  
11 714.16 or prohibited under chapter 717 or 717B, by a  
12 person licensed or registered under this chapter is  
13 cause for revocation or suspension of the license or  
14 registration certificate.

15 4. Dogs, cats, and other vertebrates vertebrate  
16 animals upon which euthanasia is permitted by law may  
17 be destroyed by a person subject to this chapter or  
18 chapter 169, by a humane method, including euthanasia,  
19 as provided by rules which shall be adopted by the  
20 department pursuant to chapter 17A.

21 5. It is unlawful for a dealer to knowingly  
22 ship a diseased animal. A dealer violating this  
23 paragraph subsection is subject to a fine not exceeding  
24 one hundred dollars. Each diseased animal shipped in  
25 violation of this paragraph subsection is a separate  
26 offense.

27 Sec. 24. Section 162.16, Code 2009, is amended by  
28 striking the section and inserting in lieu thereof the  
29 following:

30 **162.16 Rules.**

31 The department shall adopt rules and promulgate  
32 forms necessary to administer and enforce the  
33 provisions of this chapter.

34 Sec. 25. Section 717B.1, Code 2009, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 3A. "Department" means the  
37 department of agriculture and land stewardship.

38 Sec. 26. REPEAL. Sections 162.9, 162.10, and  
39 162.18, Code 2009, are repealed.

40 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act  
41 does not diminish the authority of the department of  
42 agriculture and land stewardship to regulate different  
43 types of commercial establishments as provided in 21  
44 IAC ch. 67.

45 Sec. 28. ISSUANCE OF PERMITS. This Act does not  
46 require a commercial establishment that has been issued  
47 or renewed a certificate of registration to be issued  
48 a permit earlier than required in section 162.2A for  
49 the renewal of a permit. The person shall hold the  
50 certificate of registration in the same manner as a

1 permit pursuant to this Act.

2 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being  
3 deemed of immediate importance, takes effect upon  
4 enactment.>

5 2. Title page, by striking lines 1 through 5 and  
6 inserting <An Act providing for the treatment of  
7 animals other than agricultural animals, by providing  
8 for regulation of commercial establishments, providing  
9 for fees, providing penalties, and including effective  
10 date provisions.>

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MATT McCOY